

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

NO. 4:18-CR-52-FL-1
NO. 4:22-CV-73-FL

UNITED STATES OF AMERICA

v.

STEVEN CHARLES WOOTEN,


Defendant.

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ORDER

This matter is before the court on defendant's motion to reopen § 2255 petition (DE 62). Where the motion reiterates substantive grounds for vacating petitioner's sentence, it must be recharacterized as an attempt to file second or successive motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. See Gonzalez v. Crosby, 545 U.S. 524, 531 (2005); United States v. Winestock, 340 F.3d 200, 206–07 (4th Cir. 2003). 28 U.S.C. § 2244(b)(3)(A) provides that before a second or successive habeas corpus application may be filed in the district court, the applicant must move the appropriate court of appeals for an order authorizing the district court to consider the application. In the absence of authorization from the court of appeals, the court lacks jurisdiction to consider the instant motion. See Winestock, 340 F.3d at 205. Accordingly, defendant's motion (DE 62) is DISMISSED without prejudice.

SO ORDERED, this the 27th day of July, 2023.


LOUISE W. FLANAGAN
United States District Judge